

REMARKS

Claims 1-27 are pending in the Application.

Claims 1-6, 8, 18-25 and 27 stand rejected.

Claims 7 and 26 have been objected to.

Claims 9-17 have been allowed.

I. REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-6, 8, 18-25 and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by David Grawrock "TCPA TPMPP" version 0.45, September 14, 2000 (hereinafter referred to as "Grawrock"). Applicant respectfully traverses this rejection. As the Examiner is well aware, for a claim to be anticipated under § 102, each and every element of the claim must be found within the cited prior art reference. As Applicant will hereinafter assert, the Examiner has not sufficiently showed where in Grawrock the various limitations of the claims are found. Though an examiner may give claim language a broad interpretation, such an interpretation must be reasonable, and also consistent with the interpretation that those skilled in the art would reach, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in Applicant's Specification. MPEP § 2111.

A migratable key can be transferred to other trusted platform modules chips, while non-migratable keys cannot be transferred. Specification, page 8, lines 16-17. Thus, such non-migratable keys are locked to the hardware, which is the only hardware that can decrypt such keys. Specification, page 8, lines 17-19.

With respect to claims 1 and 18, the Examiner has asserted that page 18 of Grawrock teaches the claim limitations in claims 1 and 18. Applicant respectfully traverses. The Grawrock reference merely refers to the target of evaluation that must provide the mechanisms to identify the tree a storage entity is in (migratable or non-migratable). However, this language does not teach creating a migratable storage tree with a storage root key. Nothing within Grawrock teaches creating a non-migratable storage tree with the storage root key, wherein the migratable storage tree and the non-migratable storage tree are identically structured. All that

the Examiner has found in Grawrock are the words TCPA, key, migratable and non-migratable. But the claims recite more than just these words, which the rejections fail to properly address.

Furthermore, with respect to claim 18, the additional limitations within that claim that the migratable storage tree and the non-migratable storage tree are identically structured with corresponding keys and authentication data is not in any way disclosed in page 18 of Grawrock.

Claims 2 and 19 recite that the migratable storage tree and the non-migratable storage tree are created by a trusted computing module in accordance with the Trusted Computing Platform Alliance. The Examiner has attempted to reject these claims by citing all of page 6 of Grawrock. There is absolutely no disclosure of a trusted computing module on page 18 of Grawrock.

With respect to claims 3 and 20, these claims recite that the migratable storage tree comprises migratable keys and a user key, wherein the non-migratable storage tree comprises non-migratable keys and a user key. The Examiner has attempted to reject these claims by citing pages 19-20 of Grawrock. The Examiner has failed to specifically point out on these pages where these limitations are found, and instead has made a blanket assertion using applicants claim language, but not citing to any specific Grawrock language.

With respect to claims 4 and 22, these claims recite that the non-migratable storage tree will include non-migratable storage keys corresponding to each migratable storage key in the migratable storage tree. In rejecting these claims, the Examiner has recited page 26 of Grawrock. There's absolutely no teaching or inference of non-migratable storage trees having non-migratable storage keys corresponding to migratable storage keys in a migratable storage tree. The Examiner needs to point to specific language on page 26 of Grawrock, and not just cite the whole page.

With respect to claims 5 and 24, these claims recite that use authorization in the non-migratable storage tree will be identical to use authorization in the migratable storage tree. The Examiner has attempted to reject these claims by referring to page 16 of the Grawrock reference. Again, the Examiner's rejection amounts to merely citing a whole page of a reference and then not comparing the claim language to any specific language on this page, which is wholly inadequate to support a *prima facie* case of anticipation.

Claim 6 recites the further steps of requesting a migratable storage tree and requesting a non-migratable storage key. Page 18 of Grawrock does not even remotely disclose these limitations.

Claim 8 recites the step of when a key loading request is made for a migratable storage key, loading a key from the non-migratable storage tree instead of loading a corresponding key from the migratable storage tree. The Examiner has failed to specifically address this claim.

With respect to claim 21, pages 19-20 of Grawrock do not in any way disclose these limitations, and the Examiner has failed to show how they do.

With respect to claim 23, the Examiner has not compared the claims to any specific language in page 28 of Grawrock.

Grawrock does not teach the limitations of claim 25 that the use authorization in the non-migratable storage tree can be deduced from user authorization in the migratable storage tree with additional data. The Examiner cannot support a *prima facie* case of anticipation with the blanket rejection provided. The same is true for claim 27.

II. CONCLUSION

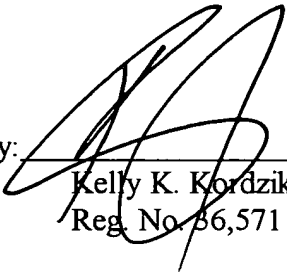
As a result of the foregoing, it is asserted by Applicants that the remaining Claims in the Application are in condition for allowance, and respectfully request an early allowance of such Claims.

Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Attorneys for Applicants

By:  _____
Kelly K. Kordzik
Reg. No. 86,571

P.O. Box 50784
Dallas, Texas 75201
(512) 370-2851

Austin_1\255099\1
7036-P173US 7/15/2004